IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 19748 of 1996

Between:

1 S. Venkateshwarlu, s/o. Rajamallaiah, R/o.Mancherial.
2 Dandavari Laxmaiah, s/o. Chandraiah, R/o. Mancherial
3 Martha Ramaiah, s/o. Rajaiah, R/o.Mancherial
4 Ch. Shankar, s/o. Lachaiah, R/o.Mancherial
5 Erikala Rajalingam, s/o. Jakkulu, R/o.Mancherial
6 Bathula Odelu, s/o. Kanakaiah, R/o.Mancherial
7 K. Narasaiah, s/o. Malliah, R/o.Mancherial
8 G. Ravinder, s/o Veeraiah, R/o.Mancherial
9 Kotrangi Pochaiah, s/o. Banaiah, R/o.Mancherial

(W.P. is dismissed as far as petitioners 7,8 & 9 are concerned as per Court order, dated 23.09.2004 in W.P.M.P.No.19748 of 1996)

..... PETITIONERS

AND

1 The Singareni Colleries Co. Ltd., Kothagudem, Khammam District, rep. by. its, Managing Director,
2 General Manager, Srirampur Group of Mines, Singareni Collieries Co. Ltd., Srirampur Post,
Adilabad District.
3 Manager, Ramkrishnapur VII Mines Singareni Collieries Co. Srirampur Post, Adilabad Dist.
Allpetitioners are acting Mazdoors and are residents of Mancherial.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ particularly one in the nature of writ of Mandamus declaring the action of the respondents in not permanently absorbing in General Mazdoor Category - I as per the circular instructions P. 40/4669/IR/1766 dt. 16.7.1992 as illegal, arbitrary and consequently direct the respondent management to regularise the services of the petitioners in the category of General Mazdoors from

the date of initial appointment with all consequential benefits.

Counsel for the Petitioners:MR.G.VIDYASAGAR

Counsel for the Respondents: MR.K.SRINIVASAMURTHY

The Court made the following :

This writ petition is filed seeking a writ of Mandamus declaring the action of respondents in not permanently absorbing the petitioners in General Mazdoor Category No.1 as contemplated under Circular Instructions No.P.40/4669/IR/1766, dated 16.07.1992 as illegal, arbitrary and consequently direct the respondent-management to regularize the services of the petitioners in the category of General Mazdoors from the date of initial appointment with all consequential benefits.

It is the case of the petitioners that though they were initially appointed as Badli Fillers, they have been allotted the work of General Mazdoors in the respondent Company. Respondents 2 and 3 forwarded the names of some Coal Fillers, namely, B.Venkateswararao, K.Kistaiah, K.Ramesh & K.Shankaraiah, vide their letter, dated 22.06.2002 to work as General Mazaoors in R.K-7 New Technical Mines, who are juniors to the petitioners. It is also the case of the petitioners that the services of some persons who worked for 150 days as General Mazdoors during 1993-95 were regularized in the category of General Mazdoor, but the case of the petitioners who worked for more than 150 days in the category of General Mazdoor was not considered and regularized. Hence, this writ petition is filed stating that the action of the respondent management in not considering the claims of the petitioners as highly illegal and unjustified.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioners. It is asserted in the counter that mere officiating or acting on the job of General Mazdoor as and when required due to the absence of permanent incumbents does not confer any right to regularize them as General Mazdoors in the absence of clear vacancies. Even as per the guidelines laid down in the Circular, dated 16.07.1992 by which the petitioners claim General Mazdoor job, the Permanent Coal Fillers on higher category daily rated persons are given preference for filling up the vacancies in General Mazdoor Category No.1. The

petitioners are junior most Coal Fillers as on the date of filling up of the vacancies. However, the services of the petitioners were regularized as coal Fillers with effect from 01.09.1995 notionally, with monetary benefits from 01.01.1996. Further, as per the guidelines in Circular, dated 16.07.1992, seniors among Coal Fillers who applied for conversion to time rated jobs have been considered as specified in para 5.4.1 of the circular. It is not open for the petitioners who were recently regularized/appointed as Coal Fillers and are uniors, to claim lighter job. The senior most Coal Fillers will have to be considered firstly for filling up the vacancies as per Circular, dated 16.07.1992. The seniority list of Coal Fillers who are working as acting General Mazdoors continuously was prepared and basing on the factors of seniority, continuous acting, the Committee has finalized the list of eligible Coal Fillers for appointment as General Mazdoors as per the guidelines. Since the posts of general Mazdoors have already been filled up on 01.02.1996 and there is no further requirement, engaging new persons as General Mazdoors is neither feasible nor contemplated, as such, the allegation is baseless. However, there is no change in the condition of their services and merely because they were sought to be engage on their substantive basis as Coal Fillers, the notice under Section 9(A) of the Industrial Disputes Act does not require to be issued. Therefore, there is nothing arbitrary, unjust or discriminatory in the criteria followed by the respondents in filling up the posts.

The learned counsel for the petitioners, however, strenuously contends that the petitioners who were continuously engaged as General Mazdoor Category No.1 (whose services in the cadre were regularized as Coal Fillers) are being engaged till date in the cadre of General Mazdoor, Category No.1, since work is available in that category. Therefore, it is not open for the respondents to contend that the vacancies have already been filled up on 01.02.1996 and there is no further requirement. Due to the requirement and other contingencies in Singareni Colleries, the absorption of General Mazdoors from the category of Coal Fillers is a continuous process. He also

referred to an office order, dated 19.02.1997 in reference No.SRP (P)/P(PM)/2A/97/477 issued by the General Manager, Sreerampur Projects area. According to the petitioners, the persons shown in the said office order are drafted as General Mazdoor Category No.1 at their request and number of persons among them are juniors to the petitioners.

Be that as it my, the petitioners have approached directly this Court without making any written representation ventilating their grievance and giving details, the only direction that can be given in this writ petition is to direct the petitioners to make a detailed representation ventilating their grievances, seeking absorption of their services in the General Mazdoor Category No.1 as per the Circular indicated above. If any such representation is made by the petitioners, the respondents are directed to consider and dispose of the said representation on merits. With the above observations, the writ petition is disposed of. However, in view of the interim orders passed by this Court earlier, dated 02.12.1996, until the above exercise is made and orders are communicated, the petitioners shall not be disturbed from the posts where they are working as on date. No costs.

31.01.2005

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To

1. Mamanaging Director, Singareni Colleries Co. Ltd., Kothagudem, Khammam District

2. General Manager, Srirampur Group of Mines, Singareni Collieries Co. Ltd., Srirampur Post, Adilabad District.

3. Manager, Ramkrishnapur VII Mines Singareni Collieries Co. Srirampur Post, Adilabad Dist.

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